

IC 14-17-3

Chapter 3. Eminent Domain

IC 14-17-3-1

General eminent domain powers

Sec. 1. (a) The commission may exercise the power of eminent domain as necessary or proper to carry out the following:

- (1) IC 14-19-1-1.
- (2) IC 14-22-3.
- (3) IC 14-23-1-1.
- (4) IC 14-25-10.
- (5) IC 14-31-1.
- (6) IC 14-26-1-4.
- (7) IC 14-26-1-5.
- (8) IC 14-28-1-11.

(b) The department may exercise the power of eminent domain as necessary or proper to carry out the following:

- (1) IC 14-29-6-13.
- (2) IC 14-34-19-6.
- (3) IC 14-36-2-6.

As added by P.L.1-1995, SEC.10.

IC 14-17-3-2

Resolutions

Sec. 2. If the commission considers it necessary or proper to appropriate real property or acquire a right under this chapter, the commission shall do the following:

- (1) Adopt an appropriate resolution that states the following:
 - (A) A specific description of the real property or right.
 - (B) The purpose for which the real property or right is to be used.
 - (C) Other facts that are necessary for the proper preparation of a complaint for the condemnation of the real property or right.
- (2) Refer the resolution to the attorney general.

As added by P.L.1-1995, SEC.10.

IC 14-17-3-3

Duties of attorney general

Sec. 3. The attorney general shall do the following:

- (1) In the proper court, file an action in the name of the state of Indiana on the relation of the commission for the condemnation of the real property or right.
- (2) Proceed under IC 32-24 to condemn the real property or right under this chapter.

As added by P.L.1-1995, SEC.10. Amended by P.L.2-2002, SEC.59.

IC 14-17-3-4

Expenses

Sec. 4. Expenses incurred in conducting condemnation

proceedings and in acquiring real property or rights by condemnation under this chapter shall be paid out of money appropriated or otherwise available for the use of the department and not otherwise expended in the work of the department as provided in this article.

As added by P.L.1-1995, SEC.10.

IC 14-17-3-5

Lease or purchase of land by person from whom land acquired

Sec. 5. (a) This section applies if the department:

(1) acquired land under:

(A) this chapter; or

(B) IC 14-3-1-19 (before its repeal);

after September 1, 1983; and

(2) decides to lease or sell the land for use in a manner identical or similar to that for which the land was used before the acquisition.

(b) The person from whom the department acquired the land may, at the person's option, lease or purchase the land under the same conditions that the land will be leased or sold by the department if the person does not exercise the option.

As added by P.L.1-1995, SEC.10.